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SURGICAL INSTRUMENT SERVICE COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SURGICAL INSTRUMENT SERVICE
COMPANY, INC.

Plaintiff,

v.

INTUITIVE SURGICAL, INC.,

Defendant.

Case No. 3:21-cv-03496-AMO

**PLAINTIFF SURGICAL INSTRUMENT
SERVICE COMPANY, INC.'S
OBJECTION TO DEFENDANT
INTUITIVE SURGICAL, INC'S
"RESPONSE" Dkt. No. 475**

The Honorable Araceli Martinez-Olguin
Complaint Filed: May 10, 2021

**PLAINTIFF SURGICAL INSTRUMENT SERVICE COMPANY, INC.'S
OBJECTION TO DEFENDANT'S "RESPONSE"**

Defendant Intuitive Surgical, Inc. ("Intuitive") claiming taxable costs of over half-million dollars timely filed a bill of costs in this matter. (Dkt. 470). Pursuant to Civil L.R. 54-2, Plaintiff Surgical Instrument Service Company, Inc. ("SIS") timely filed its objections to Intuitive's bill of costs. (Dkt. 473).¹ Thereafter, Intuitive filed a "Response" (Dkt. 475) to SIS's objections.

¹ Pursuant to Civil L.R. 54-2(b), Counsel for SIS met and conferred with Intuitive's counsel in an

1 SIS objects to the filing and any consideration of Intuitive's "Response", and respectfully
 2 requests that the Clerk disregard it entirely when determining taxable costs in this matter.

3 The Civil Local Rules for the Northern District of California provide guidance and set out
 4 the procedures for filing the bill of costs (Civil L.R. 54-1), for objecting to the bill of costs (Civil
 5 L.R. 54-2), the standard for taxing costs (Civil L.R. 54-3), and for the determination of taxable
 6 costs (Civil L.R. 54-4). Nowhere do these rules authorize a party to file a "Response" to another
 7 party's objections to the bill of costs.

8 The Clerk did not require any supplemental documentation from Intuitive, see Civil L.R.
 9 54-4(a).² Intuitive's "Response" does not constitute appropriate supplemental documentation, i.e.,
 10 further affidavits or additional documentation to support each item claimed in the bill of costs.
 11 Intuitive's "Response" is not an amended bill of costs. Instead, Intuitive filed a "Response"
 12 presenting nothing more than a lengthy attorney argument that is not provided for under the
 13 applicable FRCP and Civil L.R. regarding costs. Finally, Intuitive failed to obtain leave of the
 14 Court to file its argumentative "Response" brief. Accordingly, the Clerk should disregard it
 15 entirely in determining taxable costs in this matter.

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 21 effort to resolve disagreement about the taxable costs claimed in the bill without success.

22 ² **54-4. Determination of Taxable Costs**

23 (a) Supplemental Documentation. The Clerk may require and consider further affidavits
 and documentation as necessary to determine allowable costs.

24 (b) Taxation of Costs. No sooner than 14 days after a bill of costs has been filed, the Clerk
 25 shall tax costs after considering any objections filed pursuant to Civil L.R. 54-2. Costs shall be
 26 taxed in conformity with 28 U.S.C. §§ 1920 and 1923, Civil L.R. 54-3, and all other applicable
 27 statutes and rules. On the bill of costs or in a separate notice, the Clerk shall indicate which, if
 any, of the claimed costs are allowed and against whom such costs are allowed. The Clerk shall
 28 serve copies of the notice taxing costs on all parties on the day in which costs are taxed.

1 Dated: March 10, 2025

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2 By: /s/ Richard McCaulley

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